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SUPREME COURT
STATE OF WASHINGTON
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No. 98633-9

SUPREME COURT OF THE STATE OF WASHINGTON

UNEMPLOYMENT LAW PROJECT, et al.

Petitioners,

v.

SUZAN LEVINE, COMMISSIONER FOR THE WASHINGTON STATE EMPLOYMENT
SECURITY DEPARTMENT,

Respondent.

DECLARATION OF FABIAN PARACUELLES

THE SHERIDAN LAW FIRM, P.S.

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Attorneys for Petitioners

I, FABIAN PARACUELLES, declare that the following statement is true and correct:

1. My name is Fabian Paracuelles.
2. I am over the age of eighteen (18) and competent to make this declaration.
3. I am a resident of Graham in Pierce County, WA.
4. I worked at an independent building maintenance company for fifteen years as a supervisor.
5. I became unemployed on March 23rd, 2020.
6. I applied for unemployment benefits on March 24th, 2020
7. I received a Monetary Determination on the same day, I believe, entitling me to benefits. I'm not sure of the exact day, because I've been locked out of my SAW account.
8. I began receiving payments right away. I would file on Sunday and receive a payment on Tuesday or Wednesday. I received about six weekly payments. After filing, the account would say "pending" until the money was deposited later in the week.
9. On May 1st, 2020, I started noticing that my payment did not go from "pending" to "paid." I tried getting a hold of ESD, but could not get through. I noticed on the news that ESD was having issues with fraud and found on my account was still pending.

10. I contacted ESD help line, and they finally told me that I needed to submit documents verifying my identity over the internet. I felt uncomfortable sending these documents without further confirmation, so I called and called until I received further confirmation from ESD. When I got this, I sent a picture of my ID and social security card.

11. I have taken the following actions to address this issue with ESD: I tried to get a hold of the department that received my credentials so that I could confirm. I got pushed around by tier 2 and tier 3 fraud representatives, but they all told me that they can't help and can't answer questions. I didn't give up. I called every week and talked to people, telling my story over and over again but with no results. Last week I talked with someone who told me that they could see my account and that they have everything they need. I finally got confirmation that they had my credentials—but that person did not have authority to be able to sign off on the fact that I was me. I have talked with over a dozen people, so I figured everything would turn out fine.

12. I received a fraud form to fill out. It directed me to say that, if I am in a situation that seemed like fraud then check "yes." I called and talked with an ESD representative who confirmed that I needed to check this box, so I filled it out that way and sent it in. I called after this to

follow up with the form, but I was told that they could not confirm or help me.

13. This last Tuesday, June 16th, 2020, as we've been waiting for my wife's unemployment to come through, the bank closed my bank account due to "suspicious activity." I called them to ask why, and the bank told me that they don't have to give me any reason or explanation. They also told us that they could no longer bank with Chase and their relationship with me is over. We went into the bank branch in person, and the teller helped us dig a little deeper—and she risked her job by helping us get information that she may not have been authorized to do. They are sending us a letter in the mail, without any reference to our unemployment situation with ESD, telling me that

14. I have been significantly and adversely affected in the following ways due to my not receiving my unemployment benefits: Because of what unemployment has said, including a fraud case against me, the bank has completely closed the account and that I'm no longer able to bank with them—ever. I've tried everything that I need to do give them the proper information, and I'm sure that they have all the data on me. For them to do this to me is crazy. Because unemployment has a fraud case against me, my bank account is frozen. My entire livelihood is compromised. My bills are messed up, and because my autopay is

connected to my frozen bank account, the payments won't go through. Our life insurance was set to come out today, credit check and bills were meant to be. Sent out today, along with phone bills and truck insurance. They are holding our funds until the investigation is over, and I'm driving around with \$40 in my pocket. My wife and I have four children, 15, 13, 11, and 7 years old. We clean high rise windows for a living— and jumping off a building with these things on our mind is not okay. If we don't get money soon, then we will be behind on everything. My wife was helping us buy food with her unemployment, but because her payment is paused, we don't have a means of buying food.

15. On a scale of 1-10 my level of fear and stress is a 10 because I've barely slept this week. I don't know what to call it—anxiety or whatnot—but my heart is pumping in my chest and I feel like I have a panic attack. When my kids are all grabbing their phones to help me and my wife call ESD, it feels very sad. Even my 7 year-old child is trying to call ESD for me. I've tried everything. Unless someone can point me in the right direction, I don't know what to do.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge.

DATED this 18th day of June, 2020 in Seattle, Washington.


/s/
FABIAN PARACUELLES

CERTIFICATE OF SERVICE

I, Tony Dondero, certify under penalty of perjury under the laws of the State of Washington and the United States that, on June 23, 2020, I served the document to which this Certificate is attached to the party listed below in the manner shown.

ROBERT FERGUSON
Attorney General

Eric D. Peterson, WSBA #35555
Senior Assistant Attorney General

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- By United States Mail
- By Legal Messenger
- By Facsimile
- By Overnight Fed Ex Delivery
- By Electronic Mail

Dated this 23rd day of June 2020.

s/Tony Dondero _____
Tony Dondero,
Legal Assistant

THE SHERIDAN LAW FIRM, P.S.

June 23, 2020 - 2:20 PM

Transmittal Information

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